

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Wilbert J. Alexander, II

Case No. 3:20-cv-4480-TLW

PLAINTIFF

v.

Order

SC Dept. of Transportation, et al.,

DEFENDANTS

Plaintiff Wilbert Alexander, proceeding *pro se* and *in forma pauperis* filed this civil action against his former employer, the South Carolina Department of Transportation (“SCDOT”), as well as the following SCDOT employees in their official capacities: Michael Guffee, Kace Smith, Cynthia Johnson (collectively, “Defendants”). This matter comes before the Court on Plaintiff’s motions to amend [ECF Nos. 34, 53; see also ECF No. 37], Defendants’ motion to dismiss [ECF No. 38], and for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. [ECF No. 59].

In the Report, the Magistrate Judge recommends the Court grant in part Plaintiff’s latest-filed motion to amend [ECF No. 53], deny as moot Plaintiff’s other motion to amend [ECF No. 34], and deny as moot Defendants’ motion to dismiss [ECF No. 38]. After the magistrate judge filed the Report, Plaintiff filed objections. ECF No. 64. This matter is now ripe for decision.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound

by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed, *de novo*, the Report and the objections. As well, the District Court has reviewed the pleadings, filed memoranda, and motions. After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report, ECF No. 59, is **ACCEPTED**. Plaintiff's objections, ECF No. 64 are **OVERRULED**. Plaintiff's first motion to amend, ECC No. 34, is **DENIED** as moot. Plaintiff's subsequent motion to amend, ECF No. 53, is **GRANTED** in part, allowing Plaintiff's Title VII claim against SCDOT for discrimination to proceed and Guffee, Smith, and Johnson are dismissed from this case. Defendants' motion to dismiss, ECF No. 38, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Senior United States District Judge

November 3, 2021
Columbia, South Carolina